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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

1994

REPLY TO THE ATTENTION OF

HSE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re:

Dear Sir or Madam:

Enclosed please find a Unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 3 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Kurt N. Lindland, Assistant Regional Counsel, at (312) 886-6831 or Steve Faryan, On-Scene Coordinator, at (312) 353-9351.

Sincerely yours,


William E. Muno, Director
Waste Management Division

Enclosure

cc: Gary King, IEPA Superfund Coordinator

PLAINTIFF'S
EXHIBIT

E



Printed on Recycled Paper

bcc: Docket Analyst, ORC (CS-29A)
Kurt Lindland, ORC (CS-29A)
Steve Faryan (HSE-5J)
Jose Cisneros, ESS (HSE-5J)
Debbie Regel, ESS (HSE-5J)
Oliver Warnsley, CRS (HSM-5J)
Toni Lesser, Public Affairs (P-19J) w/out attachments
Don Henne, Department of Interior
Tony Audia (MF-10J)
EERB Site File
EERB Read File

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Order. Compliance or noncompliance by one or more Respondents with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

Respondents shall ensure that their contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance.

III. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. The Standard Scrap Metal/Chicago International Exporting Site ("SCM/CIE") is located at 4004 South Wentworth Avenue, and 4000 South Wells Street, Chicago, Cook County, Illinois, Latitude 87° 37' 55" north, Longitude 41° 52' 50" west, in a mixed industrial and residential area. The facility is an active 3-acre scrap yard that reclaims copper and other scrap metal from electric motors. Past and present operations have taken place on two distinct parcels of property separated by Wells Street. The east lot is approximately 2.5 acres, and the west lot is approximately .5 acres. The west lot contains the active shredding and metals separation operations, and the east lot contains a scale for weighing incoming and outgoing trucks.
2. The Standard Metal Company ("SMC") was started in 1928 by Sam Cohen and Sam Kanter at 4004 South Wentworth Avenue. SMC was involved in reclaiming scrap metal, including aluminum and copper. The facility contained one gas-fired boiler, two aluminum sweat furnaces, and a wire burning incinerator. Operations continued until 1972 when the company merged into Standard Scrap Metal Company, Incorporated ("SSMCI"). The company went bankrupt in 1987, changed names to Phoenix Recycling, and continued in the metal reclamation business. The Phoenix Recycling business was owned by the Sam Cohen and Sam and Benjamin Kanter Building Partnership.
3. The SCM/CIE Site has been investigated by IEPA, and U.S. EPA beginning in 1973. In 1973, personnel from IEPA inspected the Site for compliance with air pollution regulations. The inspection revealed that the facility did not have the proper air pollution permits to operate their incinerator or sweat furnaces. A suit (PCB 83-22) was filed against SSMCI for not possessing permits required by IEPA and the City of Chicago. The complaint stated that SSMCI could achieve compliance by installing afterburners on the sweat furnaces. The afterburners were not installed and permits were not applied for until 1984. A permit for the gas-fired boiler was applied for and approved on December 14, 1984.

4. On February 14, 1984, the Illinois Environmental Protection Agency ("IEPA") investigated the Standard Scrap facility, and analytical results indicated levels of polychlorinated biphenyls ("PCBs") up to 1,300 parts per million ("ppm") from the west lot. The IEPA requested that the U.S. EPA conduct a PCB inspection at the Site.
5. On February 14, 1984, IEPA also investigated a report from an employee of a nearby plant that workers at the facility periodically dumped transformer oil on the ground and ignited it. This practice was to have taken place from 1977 to 1981. On one occasion the roof of the Heatbath Corporation caught on fire, and was extinguished by the Chicago Fire Department.
6. On March 30, 1984, U.S. EPA's Toxic Substance Office conducted an inspection of the facility. Analytical results confirmed PCB levels of up to 2,095 ppm, and the facility was fined \$25,000 for violating regulations pertaining to the improper disposal of PCBs.
7. On January 10, 1985, the Illinois Pollution Board ("IPB") continued the suit (PCB 83-22) against SSMCI for permit violations. The IPB suit ordered SSMCI to:

Cease and desist from operations of its incinerator until the necessary operating permit is obtained from the IEPA; cease and desist from operating either of its aluminum sweat furnaces until the necessary permits are obtained from the IEPA, and permanently shut down the inactive aluminum sweat furnace by January 21, 1985.

Install temperature gauges on each afterburner with an interlock that prevents operation unless the afterburner temperature is at least 1400 degrees Fahrenheit, and take all necessary steps to ensure adequate pre-heating of each afterburner prior to charging. These requirements are to be made conditions of the operating permits issued by the IEPA.

Within 90 days of the date of this order pay a penalty of \$30,000 for the violation of the Act and Regulations as described in this opinion.

8. On June 18, 1985, the U.S. EPA Technical Assistance Team ("TAT") contractor, collected four soil samples and two wipe samples from the east lot at the Site. The analytical results indicated PCB levels up to 336 ppm in three samples, and isomers of Dioxin were detected in all four samples. The inspection and data were referred to the U.S. EPA Toxic Substance Control Act ("TSCA") program for enforcement purposes.

9. On October 29, 1985, an amended complaint by U.S. EPA was filed against SSMCI facility. The amended complaint levied a \$30,000 penalty for violations of Section 16(a) of TSCA. In February, 1987, SSMCI appealed the decision and the complaint was dismissed because U.S. EPA could not prove that the PCBs had been accepted at the Site after 1978; however, U.S. EPA appealed the dismissal, the decision was reversed, and the \$30,000 fine was levied against the facility. SSMCI filed for bankruptcy, and the fine was never collected.
10. In 1989 the name was changed again to Chicago International Exporting ("CIE"). The President, Steve Cohen, and Bud Cohen actively manage the metals recycling business. The business is still actively reclaiming copper and other scrap from electric motors.
11. In 1990, a former railroad employee had a telephone interview with Tom Crause of IEPA. The former railroad employee indicated that workers at the Standard Scrap facility cut up and disposed of many electrical transformers during his 30 years of employment with the railroad. Based on the previous sampling indicating PCB contamination and this information, on August 27, 1990, the former SSMCI facility was placed on the Comprehensive Environmental Response, Compensation and Liability Information System ("CERCLIS").
12. On August 29, 1991, IEPA personnel conducted an off-site reconnaissance inspection of the facility. IEPA observed piles of scrap metal around the Site. No air emissions were observed at the Site, and the boiler did not appear to be in operation. At the east lot, the north sweat furnace had been demolished, and was left as a pile of debris. A number of drums, which appeared to be empty, were observed near the north side of the office building. No leakage was observed from the drums and no stressed vegetation was observed on the lot. At the west lot, the gates were open and the lot empty with the exception of three semi-trailers. The IEPA prepared a Preliminary Assessment ("PA") for the Site on September 30, 1991.
13. On September 22, 1992, IEPA was tasked by U.S. EPA Region 5 to conduct a CERCLIS Screening Site Inspection ("SSI") of the Site. The SSI was conducted on November 4 and 5, 1992, and consisted of the collection of twelve soil samples. The analytical results from on-site soil sampling indicated PCBs up to 670,000 parts per billion ("ppb"). The current reclamation of electric motors causes PCBs to release when the motors are shredded and reclaimed at the facility. The PCBs are released from the electrical capacitors within the motors which contain pure PCBs. When the motors are shredded in the hammer mill, the PCBs release and soak the copper and metal scrap, in addition to the non-metallic fluff and soil.

14. On February 22, 1994, U.S. EPA performed a removal Site Assessment ("SA") at the Chicago Industrial Exporting Company facility. The facility and buildings were found to be in the same condition as in the previous inspections. The south boundary of the Site is located adjacent to a residential area within a highly populated area on the south side of Chicago, with residences located within 100 feet of the Site. The Site is bounded by railroad tracks on the east and north, and by the Heatbath Corp. on the west.

During the inspection it was confirmed that the shredding of electric motors and reclamation of copper are the primary operations at the Site. The owners and operators of the CIE business, Mr. Bud Cohen and Mr. Steven Cohen, were contacted by the U.S. EPA On-Scene Coordinator ("OSC") who requested and was given access to the Site. The facility continues to be split into two yards. The east lot is used to shred the electric motors, and separate the copper, scrap and fluff. The shredded metallic material is also separated from the non-metallic material in the east lot. No dust control equipment is connected to the shredding operation, which generates extreme amounts of dust during operations. Mr. Bud Cohen stated that the unit was shut down during the inspection so that the dust would not impact sampling. The metallic material is then hauled into the main processing building where the copper is separated from the steel and other debris with an air-forced cyclone separator. The dust from this operation is directly vented out a window into the streets and sidewalks of neighboring residences with no dust or pollution control. The facility claims that some dust control has been connected to this system. The OSC has referred this air compliance issue to IEPA, to the Cook County Air Board and to the City of Chicago.

Also, during the inspection, CIE workers were observed to burn wood and other debris in the east lot, and burning of wire in barrels was observed at the west lot. Later, CIE workers put out the burning wire with water from a hose. The materials burned in the 55-gallon drum gave off a black smoke that was irritating to the eyes, nose, and throat. A motor had been cut open and oil was observed spilling on to the soil the east lot. The soil, debris, and reclaimed copper and metal were all observed to be coated in oil, and large oil stains were observed in both the east and west lots. An open ended pipe was observed exiting the building from the copper separation system, and a continuous release of dust was observed blowing directly into the neighboring residences.

15. To characterize the hazardous substances reported from earlier investigations, U.S. EPA collected ten soil samples and analyzed them for total metals, Toxicity Characteristic Leaching Procedure ("TCLP") metals, PCBs, volatile compounds and base neutral acids, and Dioxin.

16. The area directly underneath the shredding operations is concrete, but a large part of the yard is not paved. Waste fluff and debris and ash piles are found in the north part of the yard where the wire incinerator and building were demolished. A foundation remains of the demolished building, as does debris from the smoke stack from the incinerator. Two aluminum furnaces remain in the southern portion of the yard.
17. The analytical information has confirmed that the soil and debris found on-site are hazardous by Resource Conservation and Recovery Act ("RCRA") definition. Nine of ten samples collected were above RCRA regulatory levels for lead, and two of the samples were above RCRA regulatory levels for cadmium. This data confirms that hazardous wastes are spread over the entire Site, including soils, fluff piles, and scrap.

In addition, high PCB levels were detected in nine of the ten samples above the TSCA regulatory levels of 50 ppm. The samples ranged from 61 ppm to 2,000 ppm, confirming the three previous inspections by TSCA, IEPA, and TAT. Total metal values for lead, copper, and zinc were extremely high and above the health risk values, creating a high potential for ingestion and inhalation of airborne dust by neighboring residences, the public entering the Site, and by CIE employees.

Dioxin and Furans were detected in all four samples, with two samples containing levels above the 1 ppb 2,3,7,8 Total Equivalency Factor risk-based level. The Dioxins and Furans were resultant of burning PCB-containing transformers and capacitors as reported to the IEPA by a nearby plant employee in February 1984. In addition, the burning of wire casings has been documented to create incomplete products of combustion including Dioxin and Furans, which are deposited in the air and into the ash.

IV. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA determines that:

1. The Standard Scrap Metal/Chicago International Exporting Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
2. PCBs, lead, cadmium, and Dioxin are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
3. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

4. Respondents Chicago International Exporting, Mr. Steven Cohen, Mr. Bud Cohen, and Mr. Lawrence A. Cohen are the present "owners" and "operators" of the Standard Scrap Metal/Chicago International Exporting Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).

6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:

a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;

this factor is present at the Site due to the existence of high levels of PCB's, lead, cadmium and Dioxin that are present at the surface and subsurface in soils at the Site. The soil is a hazardous waste, as defined by RCRA. Analytical results have confirmed TCLP metals, cadmium at 1.3 milligrams per liter ("mg/l"), and lead at 71 mg/l. The RCRA limits for cadmium and lead are 1.0 and 5.0 mg/l, respectively. Total PCBs were detected in on-site soils ranging from 61 to 2,000 ppm. The TSCA regulatory level for PCB's is 50 ppm. The PCBs can be directly associated with past activities at the Site as reported by a nearby plant employee, and a former railroad employee. The current practice of shredding electric motors causes releases of PCB's from the electrical capacitors inside the motors. The Agency for Toxic Substances and Disease Registry ("ATSDR") considers 1 microgram per kilogram ("ug/kg") (2,3,7,8-TCDD equivalence) of Dioxin in soil to be a level of concern in residential areas. Sample results from on-site soils have confirmed Dioxin levels of 4.004 ug/kg (2,3,7,8-TCDD equivalence). The proximity to residences and the observed releases of dust and smoke from the burning of wire and debris present a direct contact threat to hazardous substances. In addition, the threat of direct contact to hazardous substances to the public dropping off scrap and the CIE workers is evident.

b. high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

this factor is present at the Site due to the existence of high levels of heavy metals that are above RCRA limits for cadmium and lead. High levels of copper, lead and zinc have been identified through sampling, and were observed releasing off-site when the shredding and separation operations are in progress. High levels of PCBs in the soils and in the non-metallic "fluff" have the potential to migrate via airborne dust, and also during the shredding and separation operations. In addition, the soils contain Dioxins found in concentrations greater than health based levels of 1 ug/kg using the 2,3,7,8-TCDD total equivalency factors. The potential for migration of contaminants from the facility exists due to wind blown dust, potential dust emissions from open burning. Rain can also cause run-off of contaminants from the Site onto the street and into the residential neighborhood. In addition, the shredding and separation operations produce a tremendous amount of dust during operations which can migrate off-site. Observed releases of dust to the neighboring residences were documented during the U.S. EPA's site inspection.

c. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

this factor is present at the Site due to the existence of high levels of lead, cadmium, PCB's and Dioxin which can migrate off-site via surface run-off. In addition, the dry and windy weather causes contaminated soils and non-metallic fluff to release to the neighboring residences via dust blown particles. The release of dust was observed by the U.S. EPA during the inspection on February 22, 1994.

d. the unavailability of other appropriate federal or state response mechanisms to respond to the release;

this factor supports the actions required by this Order at the Site. The Site was referred to U.S. EPA by the IEPA and the City of Chicago.

e. other situations or factors that may pose threats to public health or welfare or the environment;

this factor is present at the Site due to the existence of observed releases of contaminated dust from the shredding and separation of electrical motor components, and due to open burning of wire and other materials. These components often contain PCBs and high levels of heavy metals. The facility had no pollution control equipment on the shredding and separation equipment, and at the time of the inspection, was releasing contaminated dust directly to the sidewalk, street, and residences via a duct that lead through the window. Potentially contaminated dust from the shredding and separation operations is continuously being released from the

facility and has a high potential to impact the neighboring residences.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondents perform the following actions:

1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 3 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondents shall perform the removal actions themselves or retain contractors to implement the removal actions. Respondents shall notify U.S. EPA of Respondents' qualifications or the name and qualifications of such contractors, whichever is applicable, within 5 business days of the effective date of this Order. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If U.S. EPA disapproves a selected contractor, Respondents shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present

on site or readily available during site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondents. If U.S. EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by all Respondents.

The U.S. EPA has designated Steve Faryan of the Emergency and Enforcement Response Branch, Region 5, as its On-Scene Coordinator ("OSC"). Respondents shall direct all submissions required by this Order to the OSC at 77 West Jackson Boulevard, HSE-5J, Chicago, Illinois, 60604-3590, by certified or express mail. Respondents shall also send a copy of all submissions to Kurt Lindland, Assistant Regional Counsel, 77 West Jackson Boulevard, CS-29A, Chicago, Illinois, 60606. All Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

3. Work to Be Performed

Respondents shall perform, at a minimum, the following response activities:

- a. Develop and implement a Removal Action Work Plan to address the sampling and disposal of all hazardous wastes or hazardous substances identified at the facility. This Plan shall include an Extent of Contamination Study of the east and west lots, including soil borings beneath the cement pads. In addition, a Sampling Plan and Health and Safety Plan shall be submitted prior to conducting any removal actions. Sampling shall be conducted at neighboring residences to assess if PCBs, lead, cadmium, Dioxin or other hazardous substances are above U.S. EPA residential health standards of 500 ppm for lead, 2 ppm for cadmium in residential gardens, 40 ppm for cadmium in residential yards, 160 ppm for cadmium for the east and west lots to protect against worker exposure, 10 ppm for PCBs, and 1 ppb for 2,3,7,8-TCDD Equivalency Factors.
- b. Secure the Site by locking the fence or posting a guard to permit only authorized access to the east and west lots during operating hours.
- c. Implement dust control procedures and install equipment to eliminate fugitive dust emissions from the Site. Specifically, eliminate dust and emissions from the electric motor shredding and separation operation, and the copper recovery system inside the main building.

Conduct air monitoring for PCBs, lead, and cadmium using high volume air sampling devices to assess if any fugitive dust emissions are exiting the Site into the neighboring residential yards.

- d. Eliminate burning or incineration of material in drums, pits, or other unregulated open containers or areas.
- e. Restrict access to contaminated areas by employees, truck drivers, and to the public. Post warning signs indicating contaminated areas, and provide workers with all appropriate information regarding the contaminants found on-site under Sara Title III, the Emergency Planning & Community Right-To-Know Act of 1986 ("EPCRA").
- f. Treat and/or dispose of all contaminated soils at a RCRA/TSCA-approved disposal facility. Contaminated soils include all soils with concentrations of PCBs which exceed 10 ppm, and/or concentrations of lead which exceed 5 milligrams per liter (mg/l) TCLP, and/or concentrations of cadmium which exceed 1 mg/l TCLP, and/or concentrations of Dioxin which exceed 1 ppb 2,3,7,8-TCDD total equivalency factor, and/or concentrations of any other hazardous substance found on Site which exceeds the applicable Federal clean-up standards.
- g. Remove and dispose of the concrete pads and underlying soils if sampling confirms contamination above clean-up standards as described in Section f. above.
- h. Decontaminate and/or dispose of scrap metal contaminated above clean-up standards as described in PCB Spill Clean-up Policy.
- i. Conduct confirmation sampling to document that all appropriate U.S. EPA clean-up standards have been met. Due to the proximity to residences and observed releases at the Site, the residential clean-up standards shall apply. The risk based clean-up standards for the Site shall be 500 ppm total lead, 2 ppm total cadmium for residential gardens, 40 ppm total cadmium for residential yards, 160 ppm total cadmium for the east and west lots to protect against worker exposure, 10 ppm PCBs, and 1 ppb 2,3,7,8-TCDD equivalency factor.

Work Plan and Implementation

Within 10 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondents shall submit a revised draft Work Plan within 7 business days of notification. Within 3 business days after U.S. EPA approval of the Work Plan, Respondents shall begin to implement the Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved work plan.

Respondents shall not commence or undertake any removal actions at the Site without prior U.S. EPA approval.

3.2 Health and Safety Plan

Within 10 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration ("OSHA") regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 business days in advance of any

sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

3.4 Reporting

Respondents shall submit a monthly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days and every 30 calendar Days after the date of U.S. EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondents shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Illinois representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractors, or on the Respondents' behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using their best efforts, they are unable to obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Revised Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA Section 121(e) and 40 CFR Section 300.415(i). In accordance with 40 CFR Section 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency and Enforcement Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA Section 103, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action

undertaken by U.S. EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24

hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

VII. PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

VIII. REIMBURSEMENT OF COSTS

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency
Superfund Accounting
P.O. Box 70753
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Waste Management Division, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Standard Scrap Metal/Chicago International Exporting Site" and shall reference the payors' name and address, the U.S. EPA site identification number (WX), and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

IX. RESERVATION OF RIGHTS

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

X. OTHER CLAIMS

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

XI. MODIFICATIONS

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Waste Management Division, Region 5.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

XII. NOTICE OF COMPLETION

After submission of the Final Report, Respondents may request that U.S. EPA provide a Notice of Completion of the work required by this Order. If U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide notice to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan to correct such deficiencies. The Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 W. Jackson Boulevard, Seventh Floor, Chicago, Illinois. Respondents may contact Kurt Lindland, Assistant Regional Counsel, at (312) 886-6831 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

XIV. OPPORTUNITY TO CONFER

Within 3 business days after issuance of this Order, Respondents may request a conference with U.S. EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an

evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Kurt Lindland, Assistant Regional Counsel, at (312) 886-6831. Written submittals shall be directed as specified in Section V.2 of this Order.

XV. SEVERABILITY

If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

XVI. EFFECTIVE DATE

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 5 business days after the day of the conference.

IT IS SO ORDERED

BY: 

William E. Mono, Director
Waste Management Division
United States
Environmental Protection Agency
Region 5

DATE: 9/14/94

ATTACHMENT A

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
STANDARD SCRAP/CHIAGO INTERNATIONAL EXPORTING
CHICAGO, ILLINOIS

September 2, 1994

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
07/27/93	Faryan, S., U.S. EPA	King, G., IEPA	Letter Requesting U.S. EPA Removal	2
05/06/94	Ecology & Environment, Inc.	U.S. EPA	Site Assessment Removal Action Plan	127
09/25/94	Faryan, S., U.S. EPA	Estep, L., IEPA	Letter Requesting ARARs	2
00/00/00	Faryan, S., U.S. EPA	Adamkus, V., U.S. EPA	Action Memorandum (Pending)	

ATTACHMENT B

LIABILITY FILE INDEX

	DOCUMENT TYPE	DATE	AUTHOR
1.	Site Assessment Report	5/6/94	Ecology & Environment
2.	Dunn & Brad Street Report	5/20/94	Dunn & Brad Street
3.	Information Request	6/30/94	U.S. EPA
4.	Letter	7/13/94	U.S. EPA
5.	Telephone Log	7/19/94	U.S. EPA
6.	Information Request	7/28/94	U.S. EPA
7.	Information Request Response	8/10/94	LaSalle Banks
8.	Information Request Response	8/17/94	Cole Taylor Bank
9.	Information Request Follow-up	8/18/94	U.S. EPA
10.	Information Request	8/24/94	U.S. EPA

STANDARD SCRAP METAL/CHICAGO INTERNATIONAL EXPORTING SITE
LIST OF PRPs RECEIVING UNILATERAL ADMINISTRATIVE ORDER

Chicago International Exporting
4020 South Wentworth Avenue
Chicago, Illinois 60609

Mr. Steven Cohen
c/o Chicago International Exporting
4020 South Wentworth Avenue
Chicago, Illinois 60609

Mr. Bud Cohen
c/o Chicago International Exporting
4020 South Wentworth Avenue
Chicago, Illinois 60609

Mr. Lawrence A. Cohen
318 North Branch
Glenview, Illinois 60025-5131